

**IN THE CLAIMS:**

Please amend claims 1, 5-7, 13, 15, and 17-22 as follows:

1. (Currently amended) A shopping assistance method, comprising the steps of:

[[ - ]] sending an enquiry message from an enquirer to a service system, the enquiry message including a description of an item of interest including both a machine readable structured data part and unstructured data comprising image and/or audio data, which description unstructured data is intended for of a type capable of at least one of for human interpretation ~~and takes the form of image and/or unstructured audio data;~~

[[ - ]] at the service system, automatically:

[[ - ]] (a) determining a location associated with the enquiry,

[[ - ]] (b) selecting from a database of traders, traders appropriate to the enquiry at least in terms of location and the type of the item of interest, and

[[ - ]] (c) forwarding both the structured data part and the unstructured data concerning the description of the item of interest to the selected traders in an availability enquiry; and

[[ - ]] (d) providing a way for the selected traders to respond to the enquiry.

2. (Original) A method according to claim 1, wherein said location is the location of the enquirer.

3. (Original) A method according to claim 2, wherein the enquiry message is sent from a mobile entity over a cellular radio infrastructure to the service system, the latter determining the location of the enquirer from a location server of the cellular radio infrastructure.

4. (Original) A method according to claim 1, wherein said location is a shopping location identified in the enquiry message by the enquirer.

5. (Currently amended) A method according to claim 1, wherein the enquiry message includes a structured data part containing at least one type parameter for the item of interest, this and selecting said traders by using the at least one parameter ~~being used in selecting said traders~~.

6. (Currently amended) A method according to claim 1, wherein the service system is operative to process said description to extract at least one type parameter for the item of interest, ~~this at least one parameter being used in~~ and selecting said traders by using the at least one parameter.

7. (Currently amended) A method according to claim 1, wherein said availability enquiry ~~contains~~ includes contact information enabling [[a]] said selected trader to directly contact the enquirer to inform the latter, on the basis of the description contained in the availability enquiry, about the

availability through the trader of items of the same type as the item of interest.

8. (Original) A method according to claim 1, wherein at least one said selected trader, on the basis of the description contained in the availability enquiry, sends a response to the service system giving information about the availability through the trader of items of the same type as the item of interest.

9. (Original) A method according to claim 8, wherein the service system forwards said response to the enquirer.

10. (Original) A method according to claim 8, wherein the service system stores said response and the enquirer subsequently contacts the service system and retrieves the response.

11. (Original) A method according to claim 8, wherein multiple selected traders provide respective responses to the service system, the service system collating the responses and forwarding them to the enquirer.

12. (Original) A method according to claim 8, wherein multiple selected traders provide respective responses to the service system, the service system collating the responses and storing them, the enquirer subsequently contacting the service system and retrieving the collated responses.

**REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-31 are pending.

Applicants forward a copy of an English-language abstract of JP-1-9212730. Consideration thereof is in order.

Applicants traverse the rejection of claims 1-20 under 35 U.S.C. §101. The allegation that the claimed invention is directed to non-statutory matter is wrong. Steps (a)-(d) are required to be automatically performed. Hence, the invention is within the technological arts. Further, business methods are patentable. *State Street Bank and Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 47 U.S.P.Q.2d. The invention produces a useful, concrete, and tangible result because it enables an enquirer to obtain shopping assistance as recognized on page 3 of the Office Action. *In re Wakefield*, 422 F.2d 897, 164 U.S.P.Q. 636 (CCPA 1970), is not applicable here because claim 1 recites steps performed automatically (i.e., not by a human).

The objection to claims 18 and 19 is obviated because "URI" has been changed to --Uniform Resource Identification--.

The rejection of claim 21 under 35 U.S.C. §112, second paragraph, as being indefinite, is also obviated because the phrase "a store" has been changed to --a memory--.

Independent claims 1 and 21 have been amended so the rejection of claims 1, 2, 5-17, 21, and 23-31 under 35 U.S.C. §102(e) as being anticipated by Cupps et al. (U.S. 5,991,739) is overcome. Claims 1 and 21 now require forwarding the structured data part and the unstructured data part, a feature Cupps et al. does not disclose.

While parallels can be drawn between Cupps and the present invention, there are some very significant differences.

Cupps discloses an on-line Internet ordering method and apparatus. Cupps discloses a system wherein structured voice data, in the form of audio instructions, are translated from a machine based order (column 8, lines 28-34), and then passed via a telephone network to a vendor. The voice data are not data entered by the client, but instead are a machine translation of a specific order item generated via a website as a result of the customer having performed what is basically a form filling exercise (column 10, lines 17-42). In other words, all of the audio data generated by Cupps and passed through to a specific vendor are generated in response to a user having entered only structured data onto a form or web page. Use of audio data in Cupps is only to translate a web-based order into an order being placed via the telephone network. This is because the particular area of commerce being addressed relates to carry-out restaurants that customarily receive orders by telephone. Accordingly, the audio data generated by Cupps are only

**structured data** which have been entered onto the form or a web page by a user. The Cupps order processing consists of the user selecting a particular available product from a particular vendor or vendors via the website, on the basis of that particular product, the specific voice instructions are generated.

Claims 1 and 21 now contrast with Cupps by requiring the user to enter both structured data which generally characterises the type of item being sought, along with the unstructured data having a free form description comprising at least one of audio and image data to allow a much more specific tailored product to be requested (page 13, lines 2-11). Structured and unstructured data are required to be forwarded in both claims 1 and 21.

Another specific difference between Cupps and claims 1 and 21 is the requirement in the claims for forwarding an availability enquiry. Consequently, in Cupps, the customer appears to select a specific item, and the system orders it directly. There appears to be no availability enquiry.

Page 6 of the Office Action alleges column 8, lines 19-23; column 8, lines 43-55; and column 10, lines 7-43, of Cupps discloses the availability enquire containing contact information enables a selected trader to directly contact the enquirer to inform the latter, on the basis of the description contained in the availability enquiry, about the availability

through the trader of items of the same type as the item of interest.

While these portions of Cupps discuss contacts between purchaser and a vendor, there is no disclosure of inquiries by the purchaser of items of the same type as the item of interest.

Dependent claims 2-20 and 22 are allowable for the same reasons advanced for independent claims 1 and 21. The secondary references, including Hall et al. (U.S. 6,026,375) and Wynblatt (U.S. 6,219,696), do not cure the above deficiencies of Cupps.

In view of the above amendments and remarks, favorable reconsideration of the rejections and allowance of the application are deemed in order.

To the extent necessary during prosecution, Applicants hereby request any required extension of time not otherwise requested and hereby authorize the Commissioner to charge any required fees not otherwise provided for, including extension, extra claims, and application processing fees, to Deposit Account No. 08-2025.

Respectfully submitted,

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data, which ~~description~~ unstructured data is ~~intended for~~ of a  
type capable of human interpretation and ~~takes the form of image~~  
and/or ~~unstructured audio data~~;

[[ - ]] a ~~store~~ memory for at least temporarily storing said  
description;

[[ - ]] a location subsystem for automatically determining a  
location associated with the enquiry,

[[ - ]] a trader selection subsystem for automatically  
selecting from a database of traders, traders appropriate to the  
enquiry at least in terms of location and the type of the item  
of interest, and

[[ - ]] an output subsystem for forwarding both the structured  
data part and the unstructured data concerning the description  
of the item of interest to the selected traders in an  
availability enquiry; and

[[ - ]] an enquirer-contact subsystem for providing a way for  
the selected traders to respond to the enquiry.

22. (Currently amended) A system according to claim 21,  
~~wherein the enquiry message is sent from~~ further including a  
mobile entity for sending over a cellular radio infrastructure  
to the service system, the location subsystem of the service  
system being operative to determine the location of the enquirer  
from a location server of the cellular radio infrastructure.